

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENWOOD DIVISION

James L. Devlin,	)	
	)	
Plaintiff,	)	Civil Action No. 8:16-cv-1024-TMC
	)	
vs.	)	<b>ORDER</b>
	)	
Officer Tye Nalley;	)	
Officer Noe Sudduth,	)	
	)	
Defendant.	)	
	)	

Plaintiff, a prisoner proceeding pro se, filed this civil action pursuant to 28 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report") (ECF No. 63), recommending that the court grant Defendants' motion for summary judgment (ECF No. 43) and deny Plaintiff's motion for jury trial (ECF No. 54). Plaintiff was advised of his right to file objections to the Report. (ECF No. 63 at 6). However, Plaintiff filed no objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the magistrate judge, or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and the entire record in this case, the court adopts the magistrate judge's Report (ECF No. 63) and incorporates it herein. Accordingly, Defendants’ motion for summary judgment (ECF No. 43) is **GRANTED** and Plaintiff’s motion for jury trial (ECF No. 54) is **DENIED as moot**.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

December 22, 2016  
Anderson, South Carolina

#### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.